

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KENNETH ROHRBOUGH)

Plaintiff,)

Vs.)

Case No. 4:07CV00996 ERW

LUTHER HALL, et al,)

Defendants.)

**RESPONSE OF DEFENDANTS BOARD OF POLICE COMMISSIONERS TO
EMERGENCY MOTION OF ST. LOUIS POST DISPATCH AND ROBERT PATRICK
SEEKING TO PRESERVE COURT CUSTODY OVER
AND ACCESS TO EXHIBITS OFFERED AT TRIAL**

Defendants, Board of Police Commissioners of the St. Louis Metropolitan Police Department (“Board”), file this Response to the Emergency Motion of the St. Louis Post Dispatch and Robert Patrick (“Movants”) seeking to preserve court custody over and access to exhibits offered at trial (Doc. #112), and respectfully suggest said Motion should be denied as moot, and in support thereof, state the following:

1. That on or about Friday, April 16, 2010, Movants filed the herein referenced Emergency Motion and moved the Court to retain appropriate custody of the Internal Affairs files introduced at trial of this cause herein as Exhibit 18 until hearing and consideration of this Motion and any supplement thereto.

2. That on or about Tuesday, April 20, 2010, Movants filed an Amended Motion of the St. Louis Post Dispatch and Reporter Robert Patrick Seeking Leave to Intervene to Preserve Court Custody Over and to Obtain Access to Exhibits Offered at Trial.

3. That the Amended Motion supplements and supersedes the Emergency

Motion previously filed in this matter.

4. That Defendant Board intends to timely file a Response to the Amended Motion.

On the basis of the foregoing, Defendant Board of Police Commissioners of the St. Louis Metropolitan Police Department suggests the Emergency Motion of the St. Louis Post Dispatch and Robert Patrick be denied as moot.

BOARD OF POLICE COMMISSIONERS
OF THE CITY OF ST. LOUIS

/s/ Mark Lawson

Mark Lawson #20618
General Counsel
Attorney for Movants
1200 Clark Ave.
St. Louis, MO 63103
Phone: (314) 444-5609 Fax: (314) 444-5611

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed electronically with the Clerk of the Court on April 22, 2010, to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ Mark Lawson
